



**City of Bellevue
Development Services Department
Land Use Staff Report**

Proposal Name: Lux Short Plat

Proposal Address: 10042 NE 13th St

Proposal Description: Application for Preliminary Short Plat approval to subdivide an existing 20,347 square foot lot (0.47 acre) into 2 single-family lots, located in the R-3.5 land use district.

File Number: 15-126241-LN

Applicant: John Lux

Decisions Included: Preliminary Short Plat (Process II)

Planner: Nick Whipple, Associate Planner

State Environmental Policy Act Threshold Determination: Exempt

Department Decision: Approval with Conditions

By: 
Nick Whipple, Associate Planner
Development Services Department

Application Date: November 3, 2015
Notice of Application: November 25, 2015
Minimum Comment Period: December 10, 2015 (15 days due to holiday)
Decision Publication Date: September 22, 2016
Appeal Deadline: October 6, 2016

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Attachments:
Project Drawings

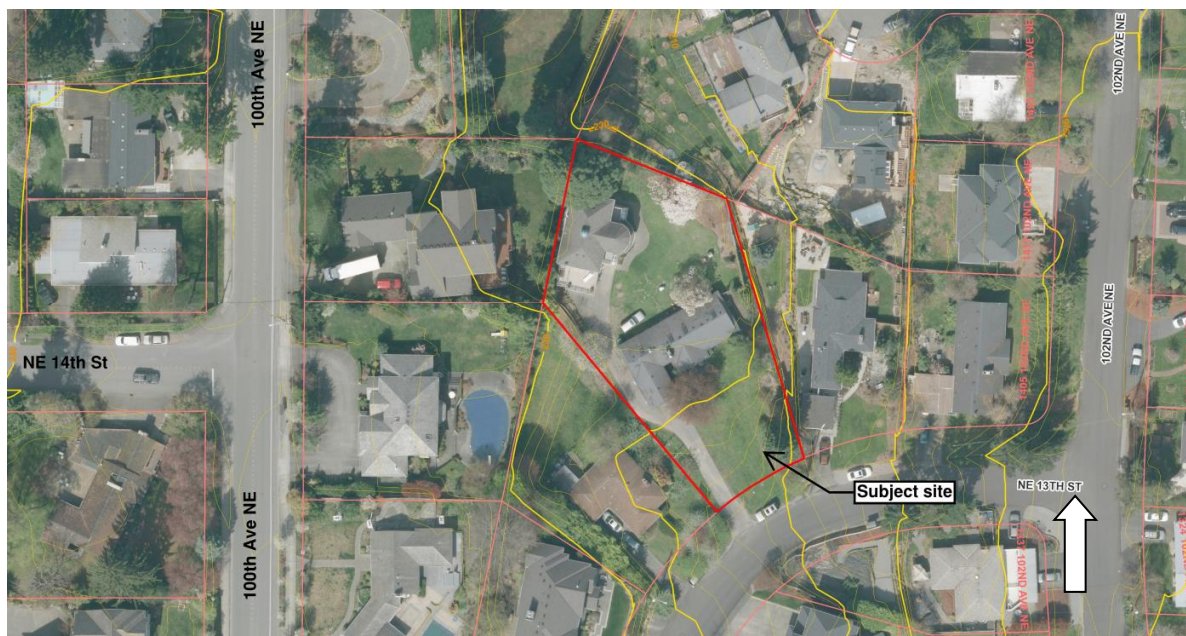


II. SITE DESCRIPTION AND CONTEXT

The subject site is within an existing single-family neighborhood, and is bordered by single-family dwellings to the north, south, east, and west. The Lux property is zoned R-3.5 and has a Comprehensive Plan designation of Single-Family Medium.

The topography of the site slopes gradually upward from NE 13th St (south to north). Access to lot 1 and lot 2 will be from a joint use driveway off of NE 13th St. The existing driveway will be widened to meet minimum access widths. There are no sidewalks along NE 13th St.

Figure 2 – Aerial Photograph

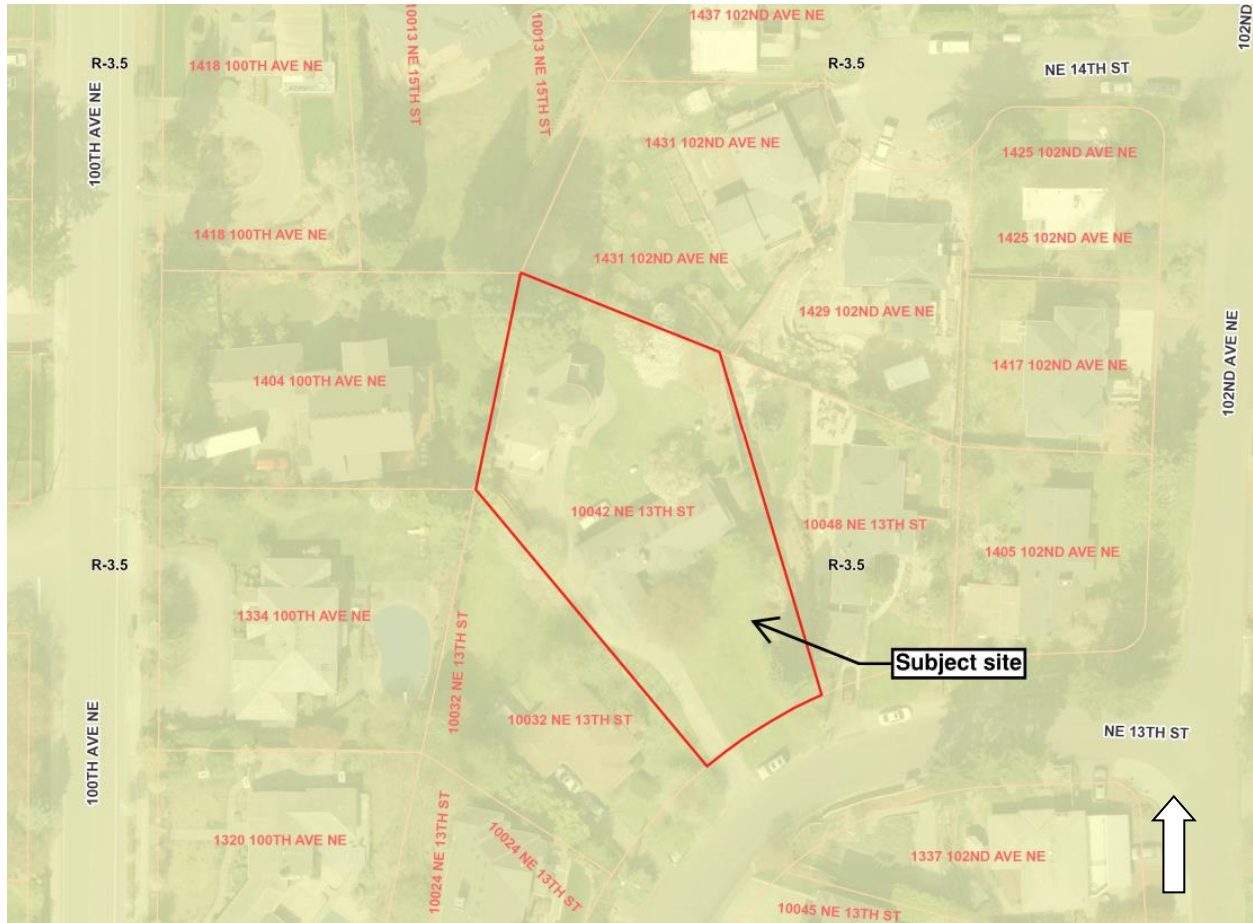


III. CONSISTENCY WITH ZONING AND LAND USE CODE REQUIREMENTS

A. Zoning

The two lots proposed with this short plat application are permitted within the R-3.5 land use district. Refer to Table 1 of Section III.B below for discussion of dimensional requirements.

Figure 3 – Zoning Map



B. Consistency with Standard Land Use Code Requirements

Table 1 – Dimensional Requirements

<u>BASIC INFORMATION</u>		
Zoning District	R-3.5 North Bellevue Subarea Comprehensive Plan Designation: Single-Family Medium	
Gross Site Area	20,347 square feet (approx. 0.47 acre)	
ITEM	REQ'D/ALLOWED	PROPOSED
Minimum Lot Area	7,200 Square Feet	Lot 1: 10,171 Square Feet Lot 2: 10,176 Square Feet
Minimum Lot Width	60 Feet	Lot 1: 74.80 Feet (approx.) Lot 2: 110.03 Feet (approx.)
Minimum Lot Depth	80 Feet	Lot 1: 136.14 Feet (approx.) Lot 2: 86.00 Feet (approx.)

Building Setbacks		
Front Yard	25 Feet adjacent to road per the recorded Manor Hill Addition Plat	25 Feet (Lot 1)
	20 Feet per LUC 20.20.010	20 Feet (Lot 2)
Rear Yard	25 Feet	25 Feet
Min. Side Yard	5 Feet	5 Feet
2 Side Yards	15 Feet	15 Feet (5 ft. + 10 ft.)
Tree Retention	30% Diameter Inches	50%

IV. STATE ENVIRONMENTAL POLICY ACT (SEPA)

There are no critical areas within or immediately adjacent to the proposal site. Short Plats which do not contain Critical Areas are exempt from SEPA review pursuant to WAC 197-11-800(6)(a), BCC 22.02.032. Thus, the project proposal is Exempt.

V. SUMMARY OF TECHNICAL REVIEWS

A. Utilities Review

The plans generally conform to the requirements applicable to this stage of the design process. It is the applicant's responsibility to verify the accuracy all field information and data gathered for the feasibility of this project. Future Utilities permit applications for this development must comply with Bellevue Codes 24.02, 24.04 and 24.06.

Storm Drainage – The site currently drains southeasterly before heading east along NE 12th Ave Street and south on 106th Ave NE where it eventually conveys flow to Lake Washington.

Water and Sewer – Domestic water will be provided by connections to an existing 8" main in NE 13th Street. Sanitary sewer will be provided by connections to an existing 8" main in NE 13th Street.

B. Fire Department Review

The Fire Department has approved the preliminary short plat.

C. Transportation Review

The Transportation Department has reviewed the plans submitted for the preliminary short plat and recommends approval. The final engineering plans must show all transportation-related improvements and must be consistent with the Transportation Development Code (BCC 14.60) and the Transportation Department Design Manual prior to approval of the plat infrastructure permit. Prior to final short plat approval, the developer must provide all transportation improvements at the developer's expense (BC C 14.60.110) or provide an acceptable financial assurance device equivalent to 150% of the cost of unfinished improvements.

Under BCC 22.16, payment of the transportation impact fee for each new home prior to building permit issuance will adequately mitigate off-site transportation impacts. The fee amount is subject to periodic revision by the City Council. Builders will pay the fee in effect at the time of building permit issuance.

See Section IX of this report for Transportation Department related Conditions of Approval.

Site Access

Access to Lots #1 and #2 will be from a joint use driveway off of NE 13th Street as shown on the approved plans. No other access connection to city right-of-way is authorized. The existing driveway will be widened to meet the minimum joint use driveway pavement and access easement widths. Site addresses will be determined by the City's Parcel and Address Coordinator Jami Carter, jcarter@bellevuewa.gov.

It is the responsibility of the developer to coordinate mailbox location and design with the local postmaster. If a cluster mailbox location is to be used, it should be consistent with city standards and codes for roadside objects and mailboxes. The mailbox location must be acceptable to the Transportation Department regarding safety requirements.

See Section IX of this report for Transportation Department related Conditions of Approval.

Street Frontage Improvements

The construction of street frontage improvements is generally required as a condition of the development approval. However, city code BCC 14.60 allows frontage improvement requirements to be waived if "adjacent street frontage improvements are unlikely to be installed in the foreseeable future." The existing street frontage on NE 13th Street and surrounding neighborhood character consists of asphalt transitioning to landscaping with grass lawns. On that basis, the requirement to install street frontage improvements, including pavement widening, concrete curb and gutter, sidewalk, and a landscape planter is hereby waived for the Lux Short Plat. Existing and new above grade utilities, located within the city right-of-way fronting NE 13th Street, shall be relocated underground.

The applicant is required to remove the existing driveway and install a new joint use driveway in accordance with the Transportation Department design standards. All fixed objects within ten feet of the edge of driveway will also be required to be removed or relocated.

Prior to final short plat approval, the developer must provide all transportation improvements at the developer's expense (BCC 14.60.110) or provide an acceptable financial assurance device equivalent to 150% of the cost of unfinished improvements. The final engineering plans showing these frontage improvements must be consistent with the Transportation Development Code (BCC 14.60) and the Transportation Department Design Manual prior to approval of the plat infrastructure (GE) permit.

See Section IX of this report for Transportation Department related Conditions of Approval.

Use of the Right of Way

Applicants often request use of the right of way and of pedestrian easements for materials storage, construction trailers, hauling routes, fencing, barricades, loading and unloading, and other temporary uses as well as for construction of utilities and street improvements. A Right of Way Use Permit for such activities must be acquired prior to issuance of any construction permit including demolition permit.

See Section IX of this report for Transportation Department related Conditions of Approval.

Pavement Restoration

The City of Bellevue has established the Trench Restoration Program to provide developers with guidance as to the extent of resurfacing required when a street has been damaged by trenching or other activities. Under the Trench Restoration Program, every public street in the City of Bellevue has been examined and placed in one of three categories based on the street's condition and the period of time since it was last resurfaced. These three categories are *No Street Cuts Permitted*, *Overlay Required*, and *Standard Trench Restoration*. Each category has different trench restoration requirements associated with it. Near the development site, NE 13th Street is classified as No Street Cuts Trench Restoration. This classification can and does change as development and city projects are completed. The final classification will be provided during the application and issuance of a Right of Way Use Permit.

See Section IX of this report for Transportation Department related Conditions of Approval.

Sight Distance

The access design shall meet the sight distance requirements of BCC 14.60.240. Vegetation shall be trimmed as needed within the sight triangle.

See Section IX of this report for Transportation Department related Conditions of Approval.

Transportation Impacts and Mitigation

City staff has analyzed the potential short term operational impacts of this short plat, and due to the minimal amount of new p.m. peak trips to be generated by the Lux Short Plat, traffic impacts will be minor. Therefore, no additional mitigation is required other than payment of the transportation impact fee.

VI. PUBLIC COMMENT

The City initially notified the public of this proposal on November 25, 2015, with mailed notice and publication in the Weekly Permit Bulletin. A public information sign was installed on the site the same day. No written comments were received regarding the proposal, and there are no parties of record besides that applicant.

VII. DECISION CRITERIA:

Land Use Code 20.45B.130B Decision Criteria for a Preliminary Short Plat:

The Director may approve or approve with modifications an application for a Preliminary Short Plat if:

1. **The Preliminary Short Plat makes appropriate provisions for, but not limited to, the public health, safety and general welfare, for open spaces, drainage ways, streets, sidewalks, alleys, other public ways, water supplies, sanitary waste.**

Finding: City codes ensure public health, safety and general welfare through development code requirements. Existing public water and sewer facilities have been deemed adequate to serve the proposed development. The applicant will be required to provide drainage improvements designed to service the drainage needs of the site. In addition, both proposed lots will gain access via a shared access easement from NE 13th Street. There is no existing sidewalk along NE 13th St, only asphalt transitioning to landscaping with grass lawns. Therefore, the requirement to install sidewalk and landscaping planter is waived.

Construction noise is expected during the construction period, however, the Bellevue Noise Control Ordinance (BCC 9.18) regulates hours of construction-related noise emanating from project sites. **Refer to Condition of Approval regarding Noise/Construction Hours in Section IX of this report.**

2. **The public interest is served by the short subdivision.**

Finding: The public interest is served by providing additional housing opportunities in accordance with the Comprehensive Plan, while ensuring compliance with City codes and standards.

3. **The preliminary short plat appropriately considers the physical characteristics of the proposed short subdivision site.**

Finding: The preliminary short plat considers the physical characteristics of the site by establishing tree retention and protection requirements which will maintain some of the vegetated character of the surrounding neighborhood. There are no critical areas on this site that require further protection. **Refer to Conditions of Approval regarding tree protection and tree retention in Section IX of this report.**

4. **The proposal complies with all applicable provisions of the Land Use Code (BCC Title 20), the Utility Code (BCC Title 24), and the City of Bellevue Development Standards.**

Finding: As conditioned, the proposal complies with the Land Use Code requirements for the R-3.5 land use district, the Utility Codes and the City of Bellevue Development Standards.

Land Use Code Requirements:

Dimensional Requirements: Refer to Section III.B of this report for dimensional requirements.

Response: All of the lots shown can be developed in accordance with the City of Bellevue Land Use Code requirements, including the R-3.5 land use district dimensional requirements.

5. The proposal is in accord with the Comprehensive Plan (BCC Title 21).

Finding: The site is located within the Factoria subarea. The Comprehensive Plan specifies Single-Family Medium Density development for this property, which is consistent with the R-3.5 land use designation. In addition, the proposal complies with applicable Comprehensive Plan policies City-wide and for this Subarea, including the following:

The single family homes are, by use type, compatible with surrounding neighborhoods. The proposal provides new housing as encouraged by the Comprehensive Plan (LU-6). The proposed short plat provides housing for Bellevue's share of the regionally adopted demand forecasts for residential uses for the next 20 years (LU-5).

The proposal meets utility standards (UT-1), provides development through infill for under-utilized sites with adequate urban services (HO-17), and meets the Neighborhood Quality goal (Housing Element) by providing compatible housing (single-family in single-family district) (LU-13).

Also, by providing the preservation of healthy significant existing trees on-site, the proposal will help maintain the vegetated character in the neighborhood.

6. Each lot in the proposal can reasonably be developed in conformance with current Land Use Code requirements without requiring a variance.

Finding: As conditioned, each lot (proposed Lots 1 and 2) can reasonably be developed to current R-3.5 dimensional standards without requiring a variance. There are no site constraints or critical areas which inhibit the development of this property that would warrant a variance. **Refer to Condition of Approval regarding the variance restriction in Section IX of this report.**

7. All necessary utilities, streets or access, drainage and improvements are planned to accommodate the potential use of the entire property.

Finding: The Utilities and Transportation Departments have reviewed the preliminary short plat and determined that all necessary utilities, drainage, driveway access locations, and other required improvements are either existing, planned or conditioned as part of this approval, to accommodate the use of these lots. **Refer to Conditions of Approval regarding infrastructure improvements and access design and maintenance in Section IX of this report.**

VIII. CONCLUSION AND DECISION:

After conducting the various administrative reviews associated with this proposal, including applicable Land Use consistency, City Code, and standard compliance reviews, the Director of the Development Services Department does hereby **APPROVE** the Lux Preliminary Short Plat **WITH CONDITIONS**.

This approval automatically expires and is void if the applicant fails to file for approval of the final short plat within one year of the effective date of approval unless the applicant files for an extension at least 30 days prior to the expiration and the extension is granted pursuant to LUC 20.45B.150 and 160.

IX. CONDITIONS OF APPROVAL:

The following conditions are imposed under authority referenced:

COMPLIANCE WITH BELLEVUE CITY CODES AND ORDINANCES

The applicant shall comply with all applicable Bellevue City Codes, Standards, and Ordinances including but not limited to:

Applicable Codes, Standards & Ordinances	Contact Person
Clearing & Grading Code – BCC 23.76	Savina Uzunow, (425) 452-7860
Construction Codes – BCC Title 23	Building Division, (425) 452-6864
Fire Code – BCC 23.11	Derek Landis, (425) 452-4112
Land Use Code – BCC Title 20	Nick Whipple, (425) 452-4578
Noise Control – BCC 9.18	Nick Whipple, (425) 452-4578
Transportation Develop. Code – BCC 14.60	Ryan Miller, (425) 452-7915
Transportation Develop. Code – BCC 14.60	Ryan Miller, (425) 452-7915
Right-of-Way Use Code 14.30	Tim Stever, (425) 452-4294
Utility Code – BCC Title 24	Brad Ayers, (425) 452-6054

A. GENERAL CONDITIONS:

1. UTILITIES

The Utility Department approval of the Preliminary Short Plat application is based on the conceptual design only. Changes to the site layout may be required to accommodate the utilities after utility engineering is approved. The water, sewer, and storm drainage systems shall be designed per the current City of Bellevue Utility Codes and Utility Engineering Standards. Utilities Department design review, plan approval, and field inspection is performed under Utilities Permit Processes. All connection charges will be due with Utility permits prior to issuance.

AUTHORITY: Bellevue City Code Title 24.02, 24.04, 24.06
REVIEWER: Brad Ayers, Utilities Department

2. VARIANCE RESTRICTION

Approval by the City of this short plat is a determination that each lot in the short plat can be reasonably developed in conformance with the Land Use Code requirements in effect at the time of preliminary short plat approval without requiring a variance.

AUTHORITY: Land Use Code 20.45B.130.A.6
REVIEWER: Nick Whipple, Development Services Department

3. NOISE – CONSTRUCTION HOURS

The proposal will be subject to normal construction hours of 7 a.m. to 6 p.m., Monday through Friday and 9:00 a.m. to 6:00 p.m. on Saturdays, except for Federal holidays and as further defined by the Bellevue City Code. Proximity to existing residential uses will be given special consideration. Upon written request to DSD, work hours may be extended to 10:00 p.m. if the criteria for extension of work hours as stated in BCC 9.18 can be met and the appropriate mitigation employed.

AUTHORITY: Bellevue City Code 9.18
REVIEWER: Nick Whipple, Development Services Department

B. CONDITIONS PRIOR TO ISSUANCE OF ANY PLAT ENGINEERING/CLEAR AND GRADE PERMIT:

1. TREE PROTECTION

To mitigate adverse impacts during construction to trees to be retained, the applicant must comply with the following:

- a) Clearing limits shall be established for retained trees within the developed portion of the site, outside of the drip lines. Six-foot chain link fencing with driven posts, or an approved alternative, shall be installed at the clearing limits (outside of the driplines) prior to initiation of any clearing and grading.
- b) No excavation or clearing should be performed within drip lines of retained trees except as specifically approved on plans. All such work shall be done by hand to avoid damage to roots and shall be done under the supervision of an arborist approved by the City.

AUTHORITY: Bellevue City Code 23.76.060
REVIEWER: Nick Whipple, Development Services Department

2. RIGHT-OF-WAY USE PERMIT

The applicant is required to apply for a Right of Way Use Permit before the issuance of any clearing and grading, building, foundation, or demolition permit. In some cases, more than one Right of Way Use Permit may be required, such as one for hauling and one for construction work within the right of way. A Right of Way Use Permit regulates activity within the city right of way, including but not limited to the following:

- a) Designated truck hauling routes.
- b) Truck loading and unloading activities.
- c) Hours of construction and hauling.
- d) Continuity of pedestrian facilities.

- e) Temporary traffic control and pedestrian detour routing for construction activities.
- f) Street sweeping and maintenance during excavation and construction.
- g) Location of construction fences.
- h) Parking for construction workers.
- i) Construction vehicles, equipment, and materials in the right of way.
- j) All other construction activities as they affect the public street system.

In addition, the applicant shall submit for review and approval a plan for providing pedestrian access during construction of this project. Access shall be provided at all times during the construction process, except when specific construction activities such as shoring, foundation work, and construction of frontage improvements prevent access. General materials storage and contractor convenience are not reasons for preventing access.

AUTHORITY: Bellevue City Code 14.30
REVIEWER: Tim Stever, Transportation Department

3. OFF-STREET PARKING

The applicant must secure sufficient off-street parking for construction workers, equipment, and materials storage before the issuance of a clearing and grading, building, foundation, or demolition permit.

AUTHORITY: Bellevue City Code 14.30
REVIEWER: Tim Stever, Transportation Department

4. ENGINEERING PLANS

Site (civil engineering) plans, produced by a qualified engineer must be approved by the City prior to clear and grading permit approval. The design of all street frontage improvements must be in conformance with the requirements of the Americans with Disabilities Act, the Transportation Development Code, and the provisions of the Transportation Department Design Manual. The engineering plans must correctly show all transportation-related engineering details, including but not limited to the design of the shared driveway, the connection to NE 13th Street, mailbox location, and sight distance triangles. Appropriate standard drawings from the Transportation Department Design Manual must be included in the engineering plans.

Specific requirements are detailed below:

Site Specific Items:

- I. The construction of the joint-use driveway for Lots #1 and #2 requires a minimum pavement width of sixteen feet and minimum access easement width of twenty feet. The pavement width shall be allowed to taper from sixteen feet to minimum of ten feet as shown in the approved plans.
- II. The joint-use driveway approach must be built per Standard Drawing DEV-7B with a radius of 10-ft.
- III. Delineate and dimension access easements.
- IV. All driveways shall be limited to a grade of 10% or less for the first twenty feet and a maximum of 15% grade thereafter. A profile view of the driveway shall be included with the clearing and grading plans.

- V. The mailbox installation location will be shown on the civil engineering plans.
- VI. No fixed objects will be allowed within ten feet of the edge of the driveway.
- VII. All new and existing above ground utilities that can be undergrounded, shall be undergrounded. The constructing drawings shall note this.
- VIII. Pavement restoration will be provided in the Right of Way Use Permit.
- IX. Vehicle and pedestrian sight distance must be provided per BCC 14.60.240 and 14.60.241.

AUTHORITY: Bellevue City Code 14.60; Transportation Department Design Manual; and Transportation Department Design Manual Standard Drawings.
REVIEWER: Ryan Miller, Transportation Department

5. SIGHT DISTANCE

If necessary to meet the sight distance requirements of BCC 14.60.240 and standard drawing TE-1, existing vegetation near the access point on 132nd Ave NE must be trimmed. Ground vegetation within the sight triangle must be trimmed to no more than 2.5 feet above a line drawn from pavement level to pavement level. Trees within the sight triangle must be limbed up to a height of 7.5 feet above a line drawn from pavement level to pavement level. A description of any required vegetation trimming must be shown on a sheet of the clearing and grading plan set.

AUTHORITY: Bellevue City Code 14.60.240
REVIEWER: Ryan Miller, Transportation Department

6. PAVEMENT RESTORATION

The city's pavement manager has determined that this segment of NE 13th Street is classified as "No Street Cuts". Restoration requirements will be provided through the Right of Way Use Permit.

AUTHORITY: Bellevue City Code 14.60.250 and Design Manual Design Standard #23
REVIEWER: Tim Stever, Transportation Department

C. PRIOR TO FINAL SHORT PLAT APPROVAL:

1. INFRASTRUCTURE IMPROVEMENTS

All street frontage and infrastructure improvements shown in the final engineering plans or required by city codes and standards must be either completed prior to approval of the final short plat or provided for with a financial assurance device. Completion of the top lift and all other transportation infrastructure items prior to completion of the homes associated with the development is allowed.

Transportation Development Code Section 14.60.260 provides for a developer to obtain final short plat approval prior to finishing improvements with provision of an acceptable financial assurance device equivalent to 150% of the cost of unfinished infrastructure improvements. Provision of such an assurance device requires completion of the improvements by the developer within two years of final short plat approval. Installation of improvements that would negatively affect safety if left

unfinished may not be delayed through use of a financial assurance device. Partial reductions of the financial assurance device will not be approved except in special circumstances, determined in advance, such as phased projects.

Improvements must be approved by the Transportation Department inspector before they are deemed complete. At completion of all transportation infrastructure items, the developer must provide a one year maintenance assurance device equivalent to 20% of the value of the transportation infrastructure improvements, dating from the acceptance of the improvements.

AUTHORITY: Bellevue City Code 14.60, Transportation Department Design
Manual Sections 3, 4, 5, 7, 11, 14, 19
REVIEWER: Ryan Miller, Transportation Department

2. ACCESS DESIGN AND MAINTENANCE

The final Subdivision map must include a note that specifies that the owners of lots served by the joint use driveway are jointly responsible for maintenance and repair of the joint use driveway. Also, the final Subdivision map must include a note that specifies that the joint use driveway will remain open at all times for emergency and public service vehicles and shall not be gated or obstructed.

AUTHORITY: Bellevue City Code 14.60.130
REVIEWER: Ryan Miller, Transportation Department

3. TREE RETENTION

The City of Bellevue urges the applicant to save as many trees as possible. The final short plat shall portray a minimum of 84 diameter inches of existing significant trees to remain, as proposed. A Tree Preservation Plan that portrays the drip-line, the diameter size, and common name of each significant tree to be retained must be recorded with the *final short plat mylar* (recorded with King County). This Tree Preservation Plan must also contain the following note:

“Designation of trees on the Tree Preservation Plan establishes a covenant by the owner to leave undisturbed all trees as shown on the Tree Preservation Plan. This covenant shall run with the land and shall be binding upon all future owners. No tree topping, tree cutting or tree removal shall occur unless required or approved by the City. Except for ordinary landscape maintenance, no construction, clearing or land alteration activities shall occur within the drip-line of trees shown on the Tree Preservation Plan, unless required or approved by the City. Activities in violation of this covenant are subject to penalty, including without limitation, fines, and mitigation requirements. The City of Bellevue shall have the right, but not the obligation, to enforce the requirements, terms and conditions of this covenant by any method available under law. It is the obligation of the owner to comply with the terms of the Tree Preservation Plan and this covenant.”

During construction, the dripline of the trees to be saved shall be fenced to prevent clearing & grading activities within the dripline area.

AUTHORITY: Land Use Code 20.20.900.D
REVIEWER: Nick Whipple, Development Services Department

4. DEMOLITION OF EXISTING STRUCTURE

Prior to recording of the final short plat, the applicant shall demolish the existing single-family dwelling on site.

AUTHORITY: Land Use Code 20.20.560
REVIEWER: Nick Whipple, Development Services Department

ATTACHMENTS

Project Drawings